

ZB# 96-44

**Richard & Ruth
Andrews**

50-2-13

#96-44-Andrews, Richard
area - 50-2-13

Freem.

Oct. 28, 1996.
① Needs of the Policy
rule.
Approved 50

2 steps out 12/7/96
Notice to Central
12/4/96.
② Photos
③ Title
④ Fees: ① 50.00 pd.
⑤ Needs - ② 4.
③ 300.00 pd.

Public Hearing:
January 13, 1997.

Granted -
Area Valencia

Refund: \$ 198.50

F.R. done

TOWN OF NEW WINDSOR

555 Union Avenue

New Windsor, NY 12553

General Receipt

16041

December 2 19 96

Received from

Richard T. Andrews

\$ 50.00

Fifty and 00/100

DOLLARS

For

Zoning Board Variance Fee #96-44

DISTRIBUTION:

FUND	CODE	AMOUNT
OB# 573		\$50.00

By

Dorothy H. Hansen

Town Clerk

TITLE

WILLIAMSON LAW BOOK CO., VICTOR, NY 14504



DISTRIBUTION:

FUND	CODE	AMOUNT
OB# 573		5000

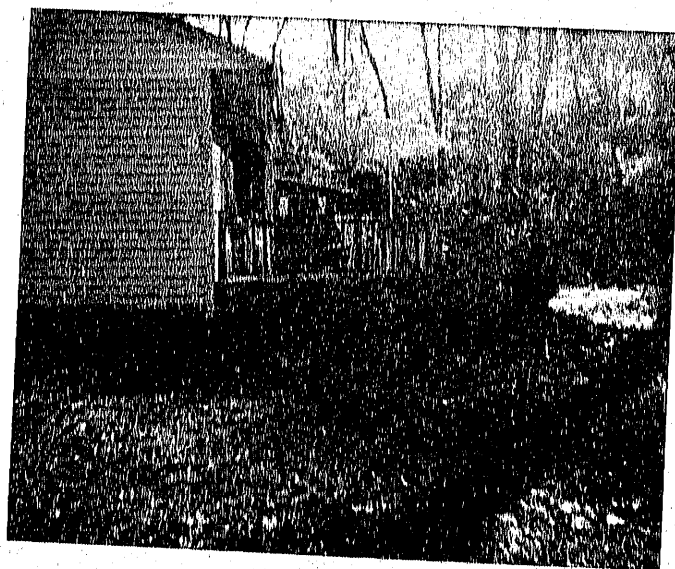
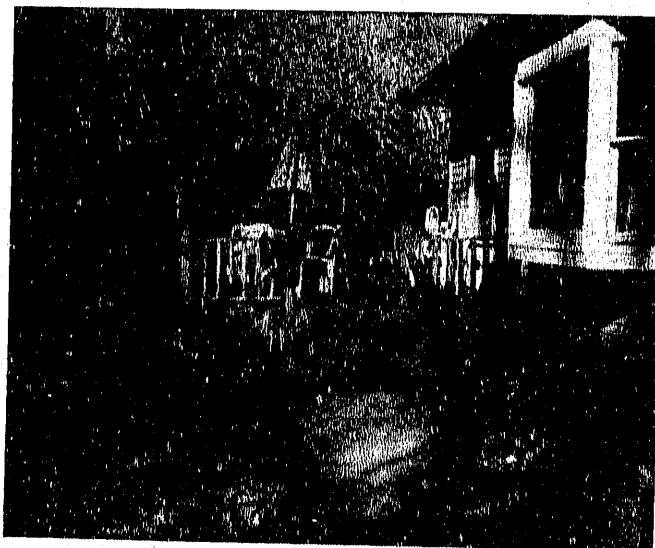
WILLIAMSON LAW BOOK CO., VICTOR, NY 14564

By

Dowdy N. Hansen

Taxon Clerk

TITLE



APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Andrews

FILE # 96-44

RESIDENTIAL: \$ 50.00
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA ☒

USE ☐

APPLICATION FOR VARIANCE FEE \$ 50.00 *4 paid*
* * * * * *#573 12/2/96*
ESCROW DEPOSIT FOR CONSULTANT FEES \$ 300.00 *12/2/96*
#574 "

DISBURSEMENTS -

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING - PER PAGE *10/28/96 - 4 pages* \$ 18.00
2ND PRELIM. MEETING - PER PAGE *1/13/97 - 3 pages* \$ 13.50
3RD PRELIM. MEETING - PER PAGE \$ _____
PUBLIC HEARING - PER PAGE \$ _____
PUBLIC HEARING (CONT'D) PER PAGE \$ _____
TOTAL \$ 31.50

ATTORNEY'S FEES: \$35.00 PER MEETING

PRELIM. MEETING: *11/28/96* \$ 35.00
2ND PRELIM. *4/13/96* \$ 35.00
3RD PRELIM. \$ _____
PUBLIC HEARING \$ _____
PUBLIC HEARING \$ _____
TOTAL \$ 70.00

MISC. CHARGES:

_____ \$ _____
TOTAL \$ 101.50

LESS ESCROW DEPOSIT . . . \$ 300.00
(ADDL. CHARGES DUE) . . . \$ _____
REFUND DUE TO APPLICANT . . . \$ 198.50

(ZBA DISK#7-012192.FEE)

Refund.

Date 1/22 1992

TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553**

TO Richard T. Andrews DR.

17 Canterbury Lane
New Windsor, N.Y.

Charge: 2BA

DATE	CLAIMED	ALLOWED
1/22/97	Refund of Escrow # 96-44	\$198.50
<p>Approved: Patricia A. Bankhart ZBA</p>		

NEW WINDSOR ZONING BOARD OF APPEALS

50-2-13

In the Matter of the Application of

RICHARD ANDREWS AND RUTH ANDREWS

#96-44.

**MEMORANDUM OF
DECISION GRANTING
AREA VARIANCE**

WHEREAS, RICHARD ANDREWS and RUTH ANDREWS, 17 Canterbury Lane, New Windsor, New York 12553, have made application before the Zoning Board of Appeals for a 15 ft. front yard variance on existing residence located at the above address in an R-3 zone; and

WHEREAS, a public hearing was held on the 13th day of January, 1997 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant, Ruth Andrews, appeared before the Board in behalf of both Applicants; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor of or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The property which is the subject of this action is a residential property located in a neighborhood of residential properties.

(b) The front yard variance is requested to allow an already-constructed and existing porch to continue to exist.

(c) Without the porch there would be a large and inappropriate drop from the front door to the ground level which would almost certainly cause injury to anyone exiting the house.

(d) The building is no closer to the highway than the neighboring buildings even with the existence of the porch.

(e) The porch does not impede any water runoff, cause or block any ponding or create any water safety hazards.

(f) The porch which is already constructed is similar to many other porches on homes in the neighborhood and area.

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to the Applicant which can produce the benefits sought.

3. The variance requested is substantial in relation to the Town regulations but nevertheless is warranted due to the peculiar nature of the property and that the location of the existing structure will enhance rather than detract from the value of the property.

4. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed for the reason that the value of the structure and neighborhood is enhanced by the presence of the existing porch and with the construction of the porch the house is no closer to the road than neighboring homes, thereby preserving the appearance of the neighborhood.

6. The benefit to the Applicant, if the requested variance is granted, outweigh the detriment to the health, safety and welfare of the neighborhood or community.

7. The requested variance is appropriate and is the minimum variance necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variance.

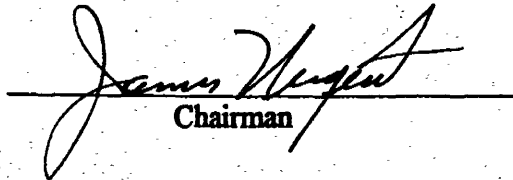
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 15 ft. front yard variance for an existing porch at 17 Canterbury Lane in an R-3 zone as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: February 24, 1997.


Chairman

PUBLIC HEARING:

ANDREWS, RICHARD & RUTH

Mrs. Ruth Andrews appeared before the board for this proposal.

MR. NUGENT: Request for 15 ft. front yard variance for existing porch located at 17 Canterbury Lane in R-3 zone.

MR. TORLEY: No one is here besides the applicants, Richard and Ruth Andrews who wishes to speak on this besides the applicants.

MR. NUGENT: Nobody here.

MR. KRIEGER: Let the record show that there is no one in the audience who cares to speak with regard to this except the applicant.

MR. NUGENT: Okay.

MRS. ANDREWS: And good evening, we're asking for a 15 foot variance on the existing front porch. It does not impede or obstruct the view of any other neighbors, the porch was redone to safely make entrance into the house that had eroded through the years.

MR. KANE: So you replaced the old porch that was falling apart with this one and for safety reasons?

MRS. ANDREWS: Yes, we did.

MR. KRIEGER: Without a porch there would be a precipitous drop?

MRS. ANDREWS: Correct, we have taken your reference and have put in 8 yards of fill around it so it does not extend above the ground but about 12 inches.

MR. KRIEGER: Does it cause this building to be closer to the roadway than its neighbors?

MRS. ANDREWS: No, no, sir, in fact, the existing house

next to us is in line with the porch, there was only one neighbor.

MR. KANE: With putting the porch in, you haven't created any environmental changes, any water runoff, any safety hazards in that way?

MRS. ANDREWS: No, we have not, no.

MS. BARNHART: For the record, I have here an affidavit of service by mail signed by myself stating that I sent out on December 3, 1996, 39 addressed envelopes containing the notice for this public hearing.

MR. TORLEY: I'm surprised there is that many on Canterbury Lane.

MRS. ANDREWS: I was too.

MR. KRIEGER: There are other houses in the area that have similar porches?

MRS. ANDREWS: Yes.

MR. KRIEGER: A number of them?

MRS. ANDREWS: A number of them, yes.

MR. REIS: Pat, was there any communication as a result of letters that went out?

MS. BARNHART: Not a word and as you see there's a lot of people here tonight, too.

MR. REIS: I don't see that. Accept a motion?

MR. NUGENT: Yes.

MR. REIS: I make a motion that we grant Richard and Ruth Andrews their requested variance.

MR. TORLEY: Second it.

ROLL CALL

January 13, 1997

27

MR. REIS	AYE
MR. KANE	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

MRS. ANDREWS: Thank you very much, sir. And ma'am, you were a great help.

MS. BARNHART: Thank you.

Prelim.
Oct. 28, 1996.

OFFICE OF THE BUILDING INSPECTOR - TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: OCTOBER 4, 1996

APPLICANT: RICHARD AND RUTH ANDREWS
17 CANTERBURY LANE
NEW WINDSOR, N.Y. 12553

534-2965, (H)
938-4449 - W

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATED: OCTOBER 3, 1996
FOR (BUILDING PERMIT): EXISTING 10FT. X 10FT. FRONT PORCH
LOCATED AT: 17 CANTERBURY LANE

ZONE: R3

DESCRIPTION OF EXISTING SITE: SECTION: 50, BLOCK: 2, LOT: 13
EXISTING ONE FAMILY DWELLING

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. FRONT PORCH DOES NOT MEET THE REQUIRED 35FT. FRONT YARD SETBACK.

Paul Schmidt
BUILDING INSPECTOR

REQUIREMENTS

PROPOSED OR
AVAILABLE

VARIANCE
REQUEST

ZONE: R3 USE R3 BULK TABLE E-9

REQ'D FRONT YD 35FT. 20FT. 15FT.

APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT
914-563-4630 TO MAKE AN APPOINTMENT WITH THE ZONING BOARD

CC: Z.B.A., APPLICANT, B.F. FILES.

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS

IMPORTANT

YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and under slab plumbing.
4. When framing is completed and before it is covered from inside and plumbing rough-in.
5. Insulation.
6. Plumbing final and final. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection fee.
9. Permit number must be called in with each inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and there is no fee for this.

PLEASE PRINT CLEARLY

FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises RICHARD T. & RUTH ANDREWS

Address 17 Canterbury Lane Phone 914 534 2965

Mailing Address New Windsor, New York 12553

Name of Architect Pre Existing

Address _____ Phone _____

Name of Contractor _____

Address _____ Phone _____

State whether applicant is owner, lessee, agent, architect, engineer or builder OWNER

If applicant is a corporation, signature of duly authorized officer.

Richard Andrews
(Name and title of corporate officer)

FOR OFFICE USE ONLY

Building Permit # _____

1. On what street is property located? On the north side of Canterbury Lane
and _____ feet from the intersection of _____
2. Zone or use district in which premises are situated _____ Is property a flood zone? Y _____ N _____
3. Tax Map Description: Section 50 Block 2 Lot 13
4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.
 - a. Existing use and occupancy Residential
 - b. Intended use and occupancy _____
5. Nature of work (check if applicable) New Bldg ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other ☐
6. Is this a corner lot? yes
7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories _____
8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____

Number of bedrooms 3 Baths 1 Tubs _____
 Heating Plant Gas _____ Oil X Electric/Hot Air _____ Hot Water _____
 If Garage, number of cars _____
9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____
10. Estimated cost: unknown Fee _____
(To be paid on this Application)
11. School District: Cornwall

Care for the work described in the Application for Building Permit includes the cost of all the construction and other work done in connection therewith, including the cost of the land. A fee will be charged for each additional lot or parcel of land to be included in the same project.

S

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS

KILMICK & KILMICK, Andrew

EX #11311 B

09-03-1996

10/4/96

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Bobcock
Asst. Inspectors: Frank Lisi, Ernst Schmidt
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(914) 564-4618 563-4615
(914) 563-4693 FAX

Bldg Insp Examined Schmidt
Fire Insp Examined _____
Approved _____
Disapproved X
Permit No. _____

REFER TO:

Planning Board ☐ Highway Dept ☐ Sewer ☐ Water ☐ Zoning Board of Appeals ☒

INSTRUCTIONS

- This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram which is part of this application.
- This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- The work covered by this application may not be commenced before the issuance of a Building Permit.
- Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

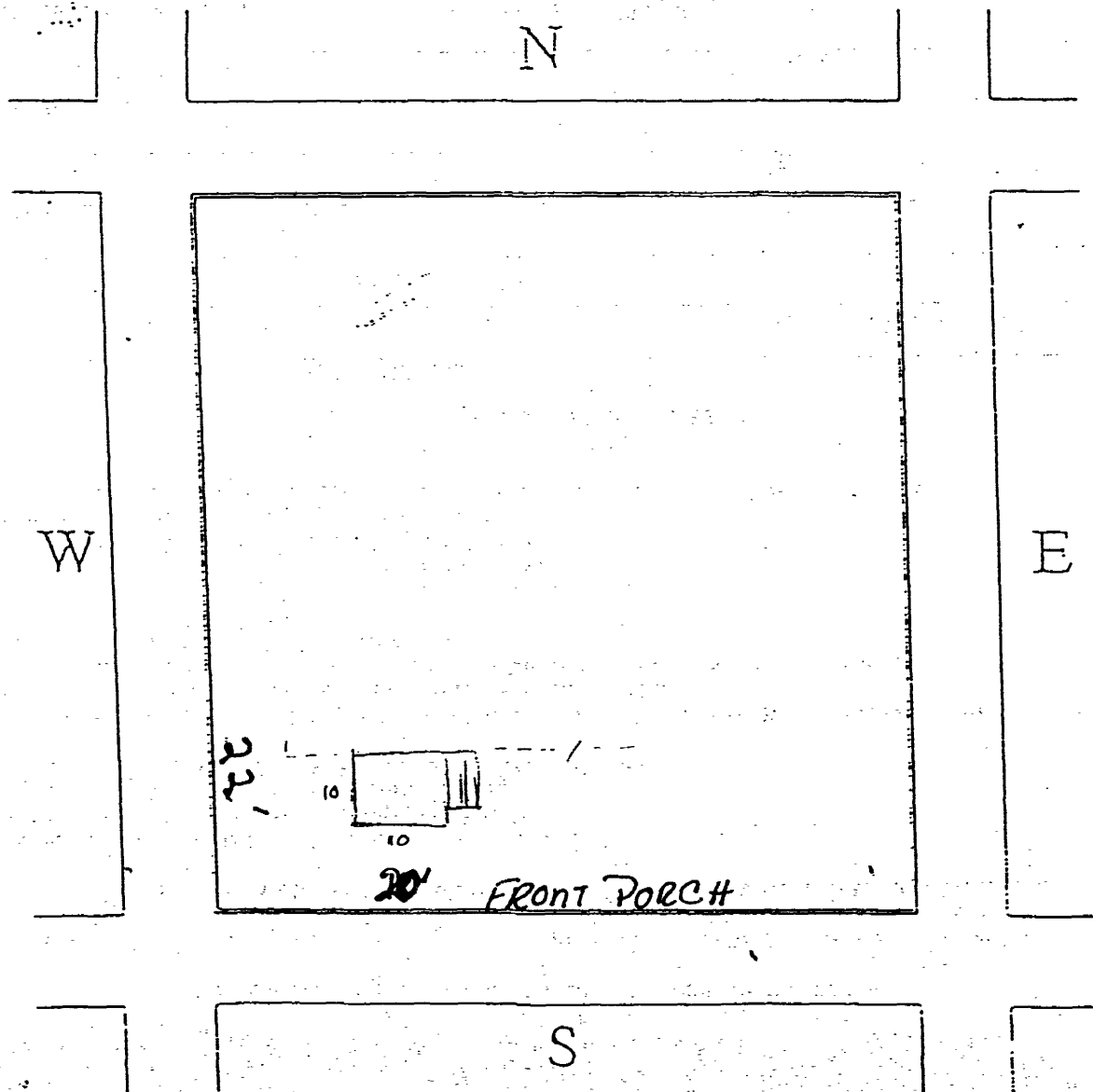
APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

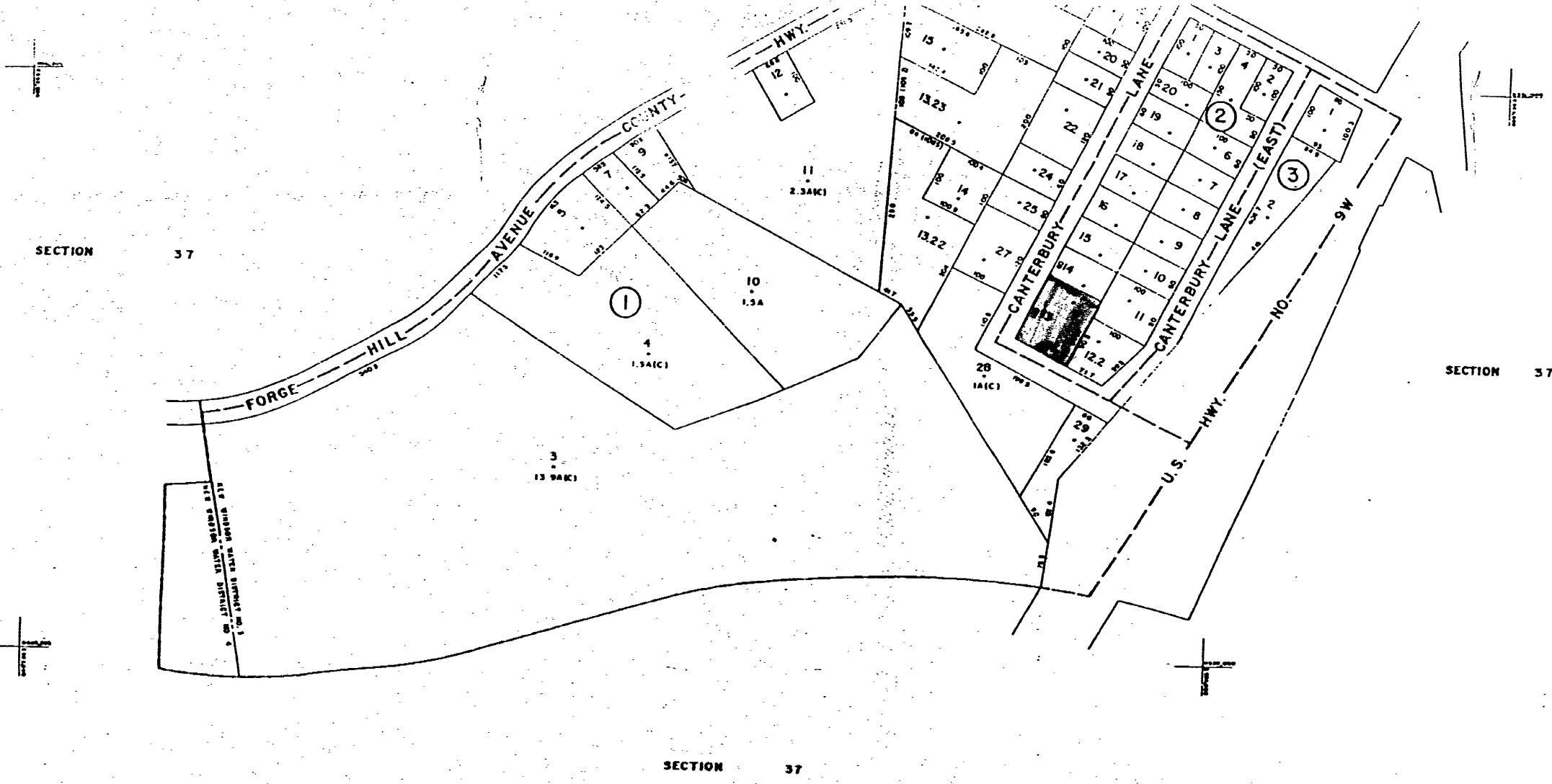
Richard Andrew
(Signature of Applicant)
Richard Andrew

17 Chestnut Lane
(Address of Applicant)
New Windsor NY

NOTE:

Locate all buildings and indicate all setback dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.





LEGEND			
STATE OF NEW YORK	PLAT OF LAND	THE MAP SHOWS UP	PLAT OF LAND
STATE OF NEW YORK	PLAT OF LAND	THE MAP SHOWS UP	PLAT OF LAND
STATE OF NEW YORK	PLAT OF LAND	THE MAP SHOWS UP	PLAT OF LAND
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STATE OF NEW YORK	PLAT OF LAND	THE MAP SHOWS UP	PLAT OF LAND

ORANGE COUNTY-NEW YORK

Photo No. 14-37.33 Date of Map 9-24-67
 Date of Photo 3-1-65 Date of Revision 3-1-71
 Scale: 1" = 100'

TOWN OF NEW WINDSOR

Section No. 50

ALL CORNWALL SCHOOL DISTRICT
 ALL WALS GATE FIRE DISTRICT

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR
COUNTY OF ORANGE : STATE OF NEW YORK

-----X
In the Matter of Application for Variance of

Ruth Andrews

Applicant.

AFFIDAVIT OF
SERVICE
BY MAIL

#96-44

-----X
STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

PATRICIA A. BARNHART, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, New Windsor, N. Y. 12553.

On December 3, 1996, I compared the 39 addressed envelopes containing the attached Notice of Public Hearing with the certified list provided by the Assessor regarding the above application for variance and I find that the addressees are identical to the list received. I then mailed the envelopes in a U. S. Depository within the Town of New Windsor.

Patricia A. Barnhart
Patricia A. Barnhart

Sworn to before me this
3th day of December, 1996.

Mary Ann Hotaling
Notary Public

MARY ANN HOTALING
Notary Public, State of New York
No. 01HO5062877
Qualified in Orange County
Commission Expires July 8, 1998

(TA DOCDISK#7-030586.AOS)

17 Canterbury Lane
New Windsor, N. Y. 12553
28 October 1996

Town of New Windsor
Zoning Board of Appeals
555 Union Avenue
New Windsor, NY 12553

REF.: Request for Variance:

Request favorable consideration for approval of a variance, for a building permit of existing entrance porch.

A requested permit was disapproved on 4 October 1996,

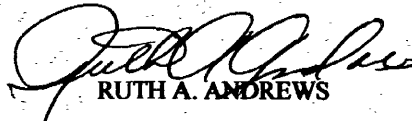
Structure is a 10X10 cement slab with wood rail at entrance of residence, no overhang or roofing,
The structure is 20 feet from property line and is in line with the adjacent residence. There are only two houses existing on this side of Canterbury Lane. .

Description of site: Zone R3; Section 50: Block 2; Lot 13.
One family dwelling.

Sincerely,



RICHARD T. ANDREWS



RUTH A. ANDREWS



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553
Telephone: (914) 563-4633
Fax: (914) 563-4693

OFFICE OF THE ASSESSOR FOR THE TOWN

November 15, 1996

Richard and Ruth Andrews
17 Canterbury Lane
New Windsor, N. Y. 12553

Re: Variance List - Section 50 - Blk. 5 - Lot 13

Dear Mr. and Mrs. Andrews:

According to our records, the attached list of property owners are within five hundred (500) feet of the above-referenced property.

The charge for this service is \$55.00, minus your deposit of \$25.00.

Please remit the balance of \$30.00 to the Town Clerk's Office.

Sincerely yours,

LESLIE COOK
Sole Assessor

/pab
Attachments

~~cc: Pat Burnhart~~

Sara E. Staples
% Miriam S. Spaulding
Box 760-Forge Hill Road
New Windsor, N. Y. 12553

Joseph Masarachia
P. O. Box 2421
Newburgh, N. Y. 12550

Robert and Jeanie Lou Smith
765 Forge Hill Road
New Windsor, N. Y. 12553

Frances Laddick
769 Forge Hill Road
New Windsor, N. Y. 12553

Anthony E. & Carol Kell
769 Forge Hill Road
New Windsor, N. Y. 12553

Mary D. & Joseph F. Bradley
23 Forge Hill Road
New Windsor, N. Y. 12553

John V. & Carmela L. Staples
6 Staples Lane
New Windsor, N. Y. 12553

Richard & Marie E. Gould
P. O. Box 25
Southfields, N. Y. 10975

Anthony J. & Diane Santoro
778 Forge Hill Road
New Windsor, N. Y. 12553

Mary A. Wagner
780 Forge Hill Road
New Windsor, N. Y. 12553

Patrick & Barbara Purcell
781 Forge Hill Road
New Windsor, N. Y. 12553

Frances Lewis
4 Canterbury Lane
New Windsor, N. Y. 12553

Hugh B. & Leona M. Gavin
8 Canterbury Lane
New Windsor, N. Y. 12553

Eugene Andrews
P. O. Box 4621
New Windsor, N. Y. 12553

William J. & Julia Ondriska
12 Canterbury Lane
New Windsor, N. Y. 12553

County of Orange
255-275 Main Street
Goshen, N. Y. 10924

Charles & Marion Demicco
16 Canterbury Lane
New Windsor, N. Y. 12553

Joseph M. & Genevieve Masloski
24 Lannis Avenue
New Windsor, N. Y. 12553

Veronica Farina
782 Forge Hill Road
New Windsor, N. Y. 12553

Anthony & Susan Zappola
787 Forge Hill Road
New Windsor, N. Y. 12553

Paul N. Leininger
783 Forge Hill Road
New Windsor, N. Y. 12553

Fred and Kathryn Wygant
784 Forge Hill Road
New Windsor, N. Y. 12553

Christopher J. & Anne-Farricker-Kane
33 Canterbury Lane
New Windsor, N. Y. 12553

Mark W. & M. Shannon Kintz
31 Canterbury Lane
New Windsor, N. Y. 12553

David L. & Katherine Ringel
29 Canterbury Lane
New Windsor, N. Y. 12553

David Jones & Pamela Laffin
27 Canterbury Lane
New Windsor, N. Y. 12553

Stanley J. & Sally O. Clark
25 Canterbury Lane
New Windsor, N. Y. 12553

Michael J. Thorpe
23 Canterbury Lane
New Windsor, N. Y. 12553

Isabelle S. Sykes
19 Canterbury Lane
New Windsor, N. Y. 12553

William Kane & Linda Rich
13 Canterbury Lane
New Windsor, N. Y. 12553

Walter J. & Hazel A. Casey
17 Canterbury Lane
New Windsor, N. Y. 12553

Theodore A. & Catherine Valleau
9 Canterbury Lane
New Windsor, N. Y. 12553

Louis Pignetti & Kathleen M. Corke
7 Canterbury Lane
New Windsor, N. Y. 12553

Victor A. & Maria Calchi Rev. Trust
5 Canterbury Lane
New Windsor, N. Y. 12553

Thomas J. & Edna J. Mullen
3 Canterbury Lane
New Windsor, N. Y. 12553

Michael & Terri Mastrorocco
789 Forge Hill Road
New Windsor, N. Y. 12553

Kevin & Beatrice McErlane
Joseph V. & Sandra C. Burkert
323 Route 210
Stony Point, N. Y. 10980

Robert & Barbara Farkas
16 Laurel Avenue
Cornwall, N. Y. 12518

Lafayette Paper LP
754 Forge Hill Road
New Windsor, N. Y. 12553

Pls. publish on or before Dec. 5th. Send bill to applicants at below address.

PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 44.

Request of Richard & Ruth Andrews

for a VARIANCE of the Zoning Local Law to permit:

15 Foot Front yard variance for existing
front porch w/ less than the allowed front yard;
being a VARIANCE of Section 48-12 - Table of Use/Bulk
Regs. - Col. E

for property situated as follows:

17 Canterbury Lane, New Windsor, New York
12553 (Orange Co.)

known as tax lot Section 50 Block 2 Lot 13.

SAID HEARING will take place on the 13th day of January,
1997, at New Windsor Town Hall, 555 Union Avenue, New Windsor,
New York, beginning at 7:30 o'clock P. M.

James Nugent
Chairman

By: Patricia A. Barnhart,
Secy.

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

96-44

Date: 12/2/96.

914-534-2965

- ✓ I. Applicant Information:
- (a) Richard T. Ruth Andrews 17 Canterbury Lane, New Windsor NY
(Name, address and phone of Applicant) (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- ☐ Use Variance ☐ Sign Variance
- ☒ Area Variance ☐ Interpretation

- ✓ III. Property Information:
- (a) R-3 17 Canterbury Lane 50-2-13 100x120
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? C
- (c) Is a pending sale or lease subject to ZBA approval of this application? no
- (d) When was property purchased by present owner? 1963
- (e) Has property been subdivided previously? no
- (f) Has property been subject of variance previously? no
If so, when? _____
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? no
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: no
- _____

IV. Use Variance. N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow: _____
(Describe proposal) _____
- _____

(b) ^{N/A} The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes _____ No _____.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

- ✓ V. Area variance:
- (a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Use/Bulk Regs., Col. E.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area		
Min. Lot Width		
Reqd. Front Yd. <u>35 ft.</u>	<u>20 ft.</u>	<u>15 ft.</u>
Reqd. Side Yd. _____	_____	_____
Reqd. Rear Yd. _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

* Residential Districts only

** No-residential districts only

✓ (b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

Describe why you believe the ZBA should grant your application for an area variance:

Front entrance to residence; Variance not substantial;
houses in area are all close to front yard; No detriment
to neighborhood;

(You may attach additional paperwork if more space is needed)

VI. Sign Variance: N/A

(a) Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
	_____	_____	_____

N/A
(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

N/A
(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Interpretation: N/A

(a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

(b) Describe in detail the proposal before the Board:

✓ VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

The concert 10x10 entrance is used to allow a enhancement to the residence. It has 3 steps from yard and is 14 inches above the ground. Solid concert.

- ✓ Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- ✓ Copy of tax map showing adjacent properties.
- N/A Copy of contract of sale, lease or franchise agreement.
- ✓ Copy of deed and title policy.
- ✓ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- N/A Copy(ies) of sign(s) with dimensions and location.
- X Two (2) checks, one in the amount of \$50.00 and the second check in the amount of \$300.00, each payable to the TOWN OF NEW WINDSOR.
- ✓ Photographs of existing premises from several angles.

Date: Dec. 2, 1996.

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

2nd day of December, 1976.
Patricia A. Bamba

X Richard Andrews
(Applicant)
X [Signature]

PATRICIA A. BARNHART
Notary Public, State of New York
No. 01BA4904434
Qualified in Orange County
Commission Expires August 31, 19

(a) Public Hearing date: _____

(b) Variance: Granted (___) Denied (___)

(c) Restrictions or conditions: _____

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

Date 11/4/96, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth 147 Syamne Dr DR.
New Windsor Ny 12553

DATE			CLAIMED	ALLOWED
11/2/96	Zoning Board Mtg		75.00	
	Misc - 2			
	Nutifore - 5			
	Andre - 4 18.00			
	Royal Pools - 9			
	Gottica - 8			
	Panella - 3			
	<u>300</u>		139.50	
			214.50	

~~MR. AND MRS. RICHARDS~~

Mr. and Mrs. Richard Andrews appeared before the board for this proposal.

MR. NUGENT: Request for 15 ft. front yard variance for existing porch located at 17 Canterbury Lane in R-3 zone.

MRS. ANDREWS: We're requesting a variance for a cement slab that is at the entrance of the house. It's a ten by ten cement slab with a little wooden railing around it. What happened is my brother-in-law recently sold this house and we found out that things were not in the proper order. So we submitted through Mr. Babcock's office the request for permits for existing items. The porch is 20 feet from the property line, it is about 28 feet from the existing road, it is a cement slab and it's the only entranceway and we're requesting whatever we need to do to get this in proper order. If I am in error, please forgive me because I have never been to a meeting like this. The cement slab has been up between, and I'm going to roughly guess at least 12 years maybe even 15 since the slab has been there.

MR. KANE: With the slab being there, has it created any runoff or water hazards in your area?

MS. ANDREWS: No, our cement slab is not extended any further, the only other residence on that end, it's the house next to us is approximately ten foot from our entranceway, is even with that residence as it stands. There's no other residence on that, we're on like a horseshoe and there's only ours and one other residence on that end of the block.

MR. NUGENT: I thought a slab is considered a landscaping.

MR. BABCOCK: How far off the ground is the top of the slab?

MRS. ANDREWS: It is approximately it comes up to the doorway, which is probably 3 cinder or 4 cinder blocks.

MR. NUGENT: It's not right on the ground?

MS. ANDREWS: No, it's not.

MR. BABCOCK: If it's ever over 18 inches above the floor, it's required because it's got to have railings and stairs.

MR. KANE: This was built to give you a safe access into your home?

MRS. ANDREWS: Correct.

MR. LANGANKE: Does this have the proper railings and steps?

MRS. ANDREWS: They have just a wood railing around it, the railing is poured right in.

MR. ANDREWS: Poured right into the concrete.

MR. TORLEY: Just a question. If it's above 18 inches above ground level so if they piled dirt around the outside so it is less than 18 inches from the top of the dirt to the top of the stairs, they wouldn't be here?

MR. BABCOCK: That is correct.

MRS. ANDREWS: The dirt has to be up to the top.

MR. KRIEGER: If the concrete is more than 18 inches above the dirt, then you have to be here and then you have to go through the variance, it's considered a structure. Now there are two ways to reduce that two or three feet to 18 inches, one is to lower the concrete, the other is to raise the dirt. So if the dirt--

MRS. ANDREWS: We have bushes around there.

MR. NADREWS: It's all landscaped.

MR. TORLEY: Trying to find away to save you some money.

October 28, 1996

9

MR. KANE: May I suggest that when we set you up for a public hearing, you bring some pictures in so that we can get a good visual idea of what you're talking about.

MRS. ANDREWS: I'll be glad to. I would have brought them this evening.

MR. KRIEGER: Not tonight anyway.

MR. TORLEY: This is only step one.

MRS. ANDREWS: Again, please forgive my ignorance.

MR. NUGENT: Is there any further questions?

MR. KANE: Accept a motion?

MR. NUGENT: Yes.

MR. KANE: I move we set up Mr. Richard Andrews for a public hearing on his requested variance for 167 Canterbury Lane.

MR. REIS: Second it.

ROLL CALL

MR. REIS	AYE
MR. KANE	AYE
MR. LANGANKE	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

MR. NUGENT: Come up here and we'll give you some paperwork.

MS. BARNHART: I have some paperwork for you.

MR. KRIEGER: And if you could, take this as well, those are criteria that the law requires the zoning board consider before finally deciding. So if you would address yourself to those criteria when you make your presentation, that would be helpful.

October 28, 1996

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MRS. ANDREWS: Thank you very much for your time.

MR. KRIEGER: I want to look at your deed to your house and your title policy. I don't need to keep them. But I do want to look at them and give them back to you. Thank you.

MS. ANDREWS: Thank you very much for your time.

This Indenture,

Made the 31st day of August nineteen hundred
and Seventy,

Between EARL W. SYKES, residing at Shore Road (no number address),
Town of New Windsor, Orange County, New York,

as execut or of the Estate of Sigrid C. Sykes,

under the last will and testament of Sigrid C. Sykes

late of Town of New Windsor, Orange County, New York

deceased, part y of the first part,

and RICHARD T. ANDREWS and RUTH S. ANDREWS, husband and wife,
residing at 30 Canterbury Lane, R.D.#3, Town of New Windsor, Orange
County, New York,

part ies of the second part,

Witnesseth, that the part y of the first part, by virtue of the power and authority to
him given in and by said last will and testament, and in consideration of

-----TEN (\$10.00)----- Dollars,

lawful money of the United States, and other good and valuable consideration

paid by the part ies of the second part,

do es hereby grant and release unto the parties of the second part,

their heirs

and assigns forever,

All that certain piece or parcel of land situate, lying and being in the Town of New Windsor, Orange County, New York, bounded and described as follows:

BEGINNING at a point in the easterly line or side of a roadway now known as Canterbury Lane West (formerly known as Moodna Lane) which point is distant 510 feet south of the intersection of the easterly line of Canterbury Lane West with the southerly line of Forge Hill Road; thence from said point of beginning in a general easterly direction and parallel with the southerly line or side of Forge Hill Road for a distance of 100 feet; thence southerly and parallel with the easterly line of Canterbury Lane West for a distance of 60 feet to a point in the southerly side or line of the street known as Canterbury Lane; thence westerly and parallel to the first described course along the northerly line of Canterbury Lane for a distance of 100 feet; thence northerly along the easterly line or side of Canterbury Lane West for a distance of 60 feet to the point or place of beginning.

SUBJECT to such state of facts as an accurate survey and personal inspection of the premises may disclose, providing it does not render the title unmarketable.

SUBJECT to all easements and restrictions of record.

TOGETHER with a right of way for the purpose of egress and ingress over the street or the road known as Canterbury Lane, Canterbury Lane West and Canterbury Lane East in common with other property owners along this lane.

LIBER 1856 PG 923

SUBJECT to the following restrictions which shall attach and run with the title to said lands:

1. That no structure of any kind shall be erected on said lot nearer than 20 feet from the front line thereof.
2. That no house shall be erected on said lot which shall cost less than \$4,000.00.
3. That no spirituous or intoxicating liquors shall be sold or manufactured upon the premises.
4. That no noxious or offensive trade or activity shall be carried on upon any lot nor shall any junk or other unsightly obstructive material ever be stored, kept or maintained on said premises or any part thereof, nor shall any cows or pigs be kept on the said premises.
5. That no structure shall be erected or placed on any plot which has an area less than 6,000 square feet nor shall any living quarters be built in any garage in said premises.
6. That the aforesaid premises are to be used for residential purposes only and shall not be used for any business or manufacturing of any kind.

Together with the appurtenances, and also all the estate which the said testatrix had at the time of her decease in said premises, and also the estate therein, which the party of the first part has or had power to convey or dispose of, whether individually, or by virtue of said will or otherwise.

To have and to hold the premises herein granted unto the parties of the second part, their heirs and assigns forever, as tenants by the entirety.

The grantor, in compliance with Section 13 of the Lien Law, covenants that the grantor will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and that the grantor will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

And the party of the first part covenants that he has not done or suffered anything whereby the said premises have been incumbered in any way whatever.

In Witness Whereof, the party of the first part has hereunto set his hand and seal the day and year first above written.

In presence of:

Earl W. Sykes
Executor u/w of Sigrid C. Sykes

L.:

State of New York
County of Orange

} ss.:

On the 31st day of August nineteen hundred and Seventy
before me came Earl W. Sykes

to me known and known to me to be the individual described in, and who executed, the foregoing instrument, and acknowledged to me that he executed the same.

Emily M. Langley

EMILY M. LANGLAY
NOTARY PUBLIC State of New York
My Commission Expires March 28, 1972

LIBER 1856 PG 925

State of
County of

} ss.:

LIBER 1856 PG 926

On the

day of

19

before me came

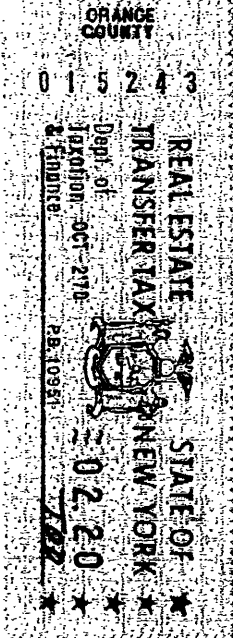
to me known, who, being by me duly sworn, did depose and say that he resides in

that he is the

of

the corporation described in, and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of of said corporation; and that he signed h name thereto by like order.

Reserve this space for use of Recording Office.



Earl W. Sykes, as Executor
u/w of Sigrid C. Sykes

TO

Richard T. Andrews and
Ruth S. Andrews

Executor's Deed

Dated, August 31, 1970

The land affected by the within instru-
ment lies in

Orange County Clerk's Office, s.s.

Recorded on the 2nd day
of Oct. 1970 at 11:15
o'clock A M. in Liber 1856
Dade at page 923
and Examined.

C. H. Winter Clerk

RECORD AND RETURN TO

Ridu, Winn. Loch
178 Grand Street
Newburgh Ny

220
550

MJR/kmc

This Indenture,

Made the *3rd* day of December, nineteen
hundred and sixty-three

Between SIGRID C. SYKES, residing at Shore Road (no number
address), Town of New Windsor, Orange County, New York

party of the first part, and

RICHARD T. ANDREWS and RUTH S. ANDREWS, husband and wife, residing
at 30 Canterbury Lane, R.D.#3, Town of New Windsor, Orange County,
New York

parties of the second part:

Witnesseth, that the party of the first part, in consideration of
-----TEN (\$10.00)-----Dollars,
lawful money of the United States, and other good and valuable consideration
paid by the parties of the second part,
do es hereby grant and release unto the parties of the second part,
their heirs and assigns forever,

All that certain piece or parcel of land situate, lying and
being in the Town of New Windsor, Orange County, New York, bounded
and described as follows:

BEGINNING at a point in the easterly line or side of a roadway now known as Canterbury Lane West (formerly known as Moodna Lane) which point is distant 570 feet south of the intersection of the easterly line of Canterbury Lane West with the southerly line of Forge Hill Road; thence from said point of beginning in a general easterly direction and parallel with the southerly line or side of Forge Hill Road for a distance of 100 feet; thence southerly and parallel with the easterly line of Canterbury Lane West for a distance of 60 feet to a point in the southerly side or line of the street known as Canterbury Lane; thence westerly and parallel to the first described course along the northerly line of Canterbury Lane for a distance of 100 feet; thence northerly along the easterly line or side of Canterbury Lane West for a distance of 60 feet to the point or place of beginning.

SUBJECT to such state of facts as an accurate survey and personal inspection of the premises may disclose, providing it does not render title unmarketable.

SUBJECT to all easements and restrictions of record.

TOGETHER with a right of way for the purpose of egress and ingress over the street or the road known as Canterbury Lane, Canterbury Lane West, and Canterbury Lane East in common with other property owners along this lane.

SUBJECT to the following restrictions which shall attach and run with the title to the said lands:

1. That no structure of any kind shall be erected on said lot nearer than 20 feet from the front line thereof.

2. That no house shall be erected on said lot which shall cost less than \$4,000.00.

3. That no spirituous or intoxicating liquors shall be sold or manufactured upon the premises.

4. That no noxious or offensive trade or activity shall be carried on upon any lot nor shall any junk or other unsightly obstructive material ever be stored, kept or maintained on said

premises or any part thereof, nor shall any cows or pigs be kept on the said premises.

5. That no structure shall be erected or placed on any plot which has an area less than 6,000 square feet nor shall any living quarters be built in any garage in said premises.

6. That the aforesaid premises are to be used for residential purposes only and shall not be used for any business or manufacturing of any kind.

(10/17)

Together with the appurtenances and all the estate and rights of the party of the first part, in and to the said premises.

To have and to hold the premises herein granted unto the parties of the second part, as tenants by the entirety their heirs and assigns forever.

And said party of the first part

covenant as follows:

First. That said party of the first part is seized of the said premises in fee simple and has good right to convey the same;

Second. That the parties of the second part shall quietly enjoy the said premises;

Third. That the said premises are free from incumbrances; except as herein noted.

Fourth. That the party of the first part will execute or procure any further necessary assurance of the title to said premises;

Fifth. That said party of the first part will forever warrant the title to said premises.

(M1). The grantor, in compliance with Section 15 of the Lien Law, covenant as follows: That she will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement, and that she will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

In Witness Whereof, the party of the first part has hereunto set her hand and seal the day and year first above written

In the Presence of:



Sigrid C. Sykes
SIGRID C. SYKES

State of New York,
County of ORANGE

} ss.:

On the 31 day of December, nineteen hundred and sixty-three before me personally came

SIGRID C. SYKES, to me known

to be the individual described in, and who executed, the foregoing instrument, and acknowledged that she executed the same.

Meyer J. Rider

MEYER J. RIDER

Notary Public in the State of New York
Residence or Appointment - Orange County
Commission Expires March 30, 1967
Official Number in Orange County 1388

State of
County of

ss.:

LIBER 1856 PG 926

On the

day of

19

before me came

to me known, who, being by me duly sworn, did depose and say that he resides in

that he is the

of

the corporation described in, and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of of said corporation; and that he signed h name thereto by like order.

Reserve this space for use of Recording Office.

ORANGE
COUNTY

015243

REAL ESTATE
TRANSFER TAX
Dept. of
Taxation OCT-270
& Finance
RE 10951



STATE OF
NEW YORK
OCT 2 20
702

Orange County Clerk's Office, s.s.

Recorded on the 2nd day
of Oct. 19 70 at 11:15
o'clock A M. in Liber 1856
Dade at page 923
and Examined.

C. N. Winter Clerk

Earl W. Sykes, as Executor
u/w of Sigrid C. Sykes

TO

Richard T. Andrews and
Ruth S. Andrews

Executor's Deed

Dated, August 31, 19 70

The land affected by the within instru-
ment lies in

RECORD AND RETURN TO

Ridu, Wines, Loch
178 Grand Street
Newburgh Ny

220
550

Together with the appurtenances, and also all the estate which the said testatrix had at the time of her decease in said premises, and also the estate therein, which the party of the first part has or had power to convey or dispose of, whether individually, or by virtue of said will or otherwise.

To have and to hold the premises herein granted unto the parties of the second part, their heirs and assigns forever, as tenants by the entirety.

The grantor, in compliance with Section 13 of the Lien Law, covenants that the grantor will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and that the grantor will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

And the party of the first part covenants that he has not done or suffered anything whereby the said premises have been incumbered in any way whatever.

In Witness Whereof, the party of the first part has hereunto set his hand and seal the day and year first above written.

In presence of:

Earl W. Sykes
Executor u/w of Sigrid C. Sykes

L. S.

State of New York

County of Orange

} ss.:

On the 31st day of August nineteen hundred and Seventy
before me came Earl W. Sykes

to me known and known to me to be the individual described in, and who executed, the foregoing instrument, and acknowledged to me that he executed the same.

Emily M. Langley

EMILY M. LANGLEY
NOTARY PUBLIC, State of New York
My Commission Expires March 22, 22

LIBER 1856 PG 925

Deed.

SIGRID C. SYKES

TO

RICHARD T. ANDREWS and
RUTH S. ANDREWS

Dated, December 3rd 1963

Orange County Clerk's Office, N.Y.
Recorded on the 23rd day
of Dec. 1963 at 11:10
o'clock A.M. in Liber 1654
Deeds at page 529
and Examined.

R. J. Rider Clerk

R. J. Rider
R. J. Rider
ATTORNEY AND COUNSELLOR AT LAW
100 CHURCH STREET
NEW YORK, N. Y.

LIBER 1654 pg 662